



COUNTY OF IMPERIAL PUBLIC HEALTH DEPARTMENT

ROBIN HODGKIN, M.P.A.
Director

STEPHEN W. MUNDAY, M.D., M.P.H.
Health Officer

CERTIFIED MAIL # 7011 2970 0000 0769 2382

September 24, 2018

Tomo Maguchi
Earthrise Nutritionals, LLC
112 E. Hooper Road
Calipatria, CA 92233

Penalty Citation for the Earthrise Nutritionals Water System (1300676)
CITATION NO. 05-43-18C-004

The Imperial County Environmental Health, Local Primacy Agency is issuing to you the attached citation for failure to perform repeat bacteriological sampling following multiple positive total coliform samples within 24 hours of being notified of the positive results, as required by Section 64424, of Title 22, California Code of Regulations. The total coliform-positive samples were taken on April 10, 2018 & May 15, 2018.

A stipulated penalty citation amount of Two Hundred Fifty Dollars (\$250) is now due in full amount and must be paid within fifteen (15) days of the receipt of the attached citation. In addition to the full payment amount, the citation form must be filled out, signed and returned in order to fully execute the stipulation agreement.

If you decide not to stipulate to the alleged violations, a formal citation order will be issued and may carry a penalty assessment of up to \$1,000 per day for each day that a violation occurred. In addition to the imposed penalty, the water system will also be liable for the time and materials used in the preparation of the citation order, which will be billed at the Department's fully burdened rate of \$137 per hour.

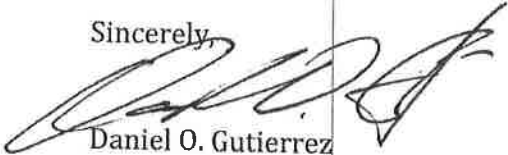
Any person who is aggrieved by a citation issued by the LPA may file a petition with the State Water Resources Control Board (State Water Board) for reconsideration of the citation. Petitions must be received by the State Water Board within 30 calendar days of the issuance of the citation. The date of issuance is the date when the LPA mails or serves a copy of the citation, whichever occurs first. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

Division of Environmental Health, 797 Main Street, Suite B, El Centro CA 92243
Phone: 442-265-1888 | Fax: 442-265-1903 | icphd.org

The LPA has the authority to issue you the attached citation pursuant to Sections 116650 and 116725 (b) of the California Health and Safety Code. If you have any questions about this citation, or if you would like to meet with our office to discuss the stipulated penalty offer by the Local Primacy Agency, please contact us no later than 15 days of receipt of the citation. We may be contacted at 442-265-1888.

Sincerely,



Daniel O. Gutierrez
Environmental Health Compliance Specialist III
Local Primacy Agency

Encl: Stipulated Penalty Citation No. 05-43-18C-004

ENTERED OCT 02 2018
IMPERIAL COUNTY

SEP 28 2018

ENVIRONMENTAL
HEALTH

Auth#

268778

9/28/18

\$250.00

(98)

**IMPERIAL COUNTY ENVIRONMENTAL HEALTH
LOCAL PRIMACY AGENCY**

**CALIFORNIA SAFE DRINKING WATER ACT VIOLATION
STIPULATED PENALTY CITATION**

(YOU MUST SIGN AND RETURN IF YOU ACCEPT THIS STIPULATION)

Complainant, the Imperial County Local Primacy Agency (LPA) and Respondent(s) hereby agree that the stipulation will be a final resolution of the violations alleged below. The parties stipulate to the following facts and violations of law:

LPA CITATION NUMBER: 05-43-18C-004

RESPONDENT: Tomo Maguchi
Earthrise Nutritionals, LLC
112 E. Hooper Road
Calipatria, CA 92233

HEALTH & SAFETY (HSC) SECTION VIOLATED: N/A
TITLE 22, CALIFORNIA CODE OF REGULATIONS (CCR) VIOLATED: §64424

DESCRIPTION OF VIOLATION:

The Earthrise Nutritionals Water System (Water System ID # 1300676) failed to collect repeat bacteriological samples within 24 hours following positive total coliform bacteriological samples. The total coliform-positive routine samples were collected on April 10, 2018 & May 15, 2018.

DATE(S) OF VIOLATION: April 1, 2018 – May 31, 2018

DIRECTIVE(S):

The Earthrise Nutritionals Water System is hereby directed to comply with §64424, Title 22, CCR in all future monitoring periods, and to perform repeat bacteriological sampling within 24 hours of being notified of a positive sample. If unable to collect the samples within the 24-hour time period or deliver the samples to the laboratory within 24 hours after collection due to uncontrollable circumstances, the Earthrise Nutritionals Water System shall notify the LPA within 24 hours.

STIPULATION DUE DATE: 15 DAYS FROM THE DATE OF SERVICE

TOTAL MONETARY PENALTY: \$250

NUMBER OF COUNTS: 1

FURTHER STATEMENT BY RESPONDENT(S)

I acknowledge that the violation(s) of the Health and Safety Code and/or Title 22, California Code of Regulations (CCR) described above and on Exhibit 1 attached (if applicable), have occurred and request that the Imperial County Local Primacy Agency resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* on the following page and voluntarily waive any and all procedural rights to contest this matter in an Administrative Hearing. I have enclosed a check or money order payable to the Imperial County Division of Environmental Health in the amount of the penalty described above. I understand that if there are insufficient funds when the check is deposited, the LPA has the discretion to determine that this agreement is null and void, and can prosecute this allegation as if no agreement has been executed. I further acknowledge that the enforcement fee billed at a rate of \$137 per hour for preparation of this Stipulated Penalty Citation will be paid in full at the next quarterly billing cycle for this public water system.


**IMPERIAL COUNTY ENVIRONMENTAL HEALTH
LOCAL PRIMACY AGENCY**

RESPONDENT has freely and voluntarily agreed to this Citation Stipulation (hereinafter "Stipulation"), and has been afforded the opportunity to consult with counsel prior to entering into this Stipulation. It is expressly understood and agreed that no representations or promises of any kind, other than as contained here, have been made by any party to induce any other party to enter into this Stipulation, and that said Stipulation may not be altered, amended, modified, or otherwise changed except by writing executed by each of the parties hereto.

This Stipulation constitutes the entire understanding of the parties concerning the settlement of this proceeding. There are no restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly set forth herein or contained in separate written documents delivered or to be delivered pursuant hereto, and each party expressly acknowledges that it has not relied upon any restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly contained herein.

If necessary, this Stipulation may be executed in counterparts, each of which shall be an original, and all together shall form one agreement. In addition, for purposes of this Stipulation, facsimile signatures will be treated as originals until the applicable page(s) bearing non-facsimile signatures have been received by the parties.

The effective date of this Stipulated Penalty Citation is the date that the Deputy Director of Environmental Health signs it.

Dated: 9/28/18 Signature: 

Printed Name: Tomo Maguchi

Job Title: Factory Manager.

Name and Address of Water System: Earthrise Nutritionals LLC.
113. E. Hooper Rd. Calipatria CA. 92233

For Imperial County Environmental Health Use Only

STATEMENT BY DEPUTY DIRECTOR:

The foregoing stipulation has been adopted by the Imperial County Local Primacy Agency as its final decision and order and is effective upon execution below by the Deputy Director of the Imperial County Division of Environmental Health.

IT IS SO ORDERED:

Dated: 10/1/18


Jeff Lamoure, Deputy Director
Imperial County Division of Environmental Health
Local Primacy Agency

DECLARATION OF PERSONAL SERVICE

STATE OF CALIFORNIA

COUNTY OF IMPERIAL

IN THE MATTER OF:
CITATION NO. 15-43-18C-004

I, the undersigned, declare:

I am an employee in the County of Imperial, State of California; I am over the age of eighteen years; I am not a party to the above-entitled matter; and my business address is the Imperial County Division of Environmental Health, 797 W. Main Street in El Centro, CA 92243.

On September 24, 2018, I personally served the following documents:

CITATION NO. 15-43-18C-004

by placing the documents in a sealed envelope, first class postage prepaid, with certified mail (Certified Mail #: 7011 2970 0000 0769 2382), return receipt requested, and deposited the document to be delivered by U.S. mail to the following recipient:

Tomo Maguchi

Earthrise Nutritionals, LLC

112 E. Hoover Road

Calipatria, CA 92233

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Dated and executed on the 24th day of September 2018, at El Centro, California.

YOUR NAME _____